

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ROBERT T. and ELIZABETH J. KELLY,
husband and wife and the marital community
composed thereof,

Plaintiffs,

vs.

CHASE HOME FINANCE LLC (a subsidiary
of Chase Home Finance Inc.), a Delaware
corporation; and MORTGAGE
ELECTRONIC REGISTRATION SYSTEMS,
INC., a Delaware Corporation,

Defendants.

NO. 3:13-CV-05029-RBL

DEFENDANTS' SECOND STATUS
REPORT

Defendants JPMorgan Chase Bank, N.A., as successor by merger to Chase Home Finance, LLC ("Chase"), and Mortgage Electronic Registration Systems, Inc. ("MERS"), submit this Second Status Report under Federal Rule of Civil Procedures 26(f). Despite the Court's May 23, 2013, Order in Response to Show Cause Order (Dkt #13), requiring Plaintiffs' counsel to pay Defense counsel a sanction of \$250 within thirty days of that order, Plaintiffs' counsel did not do so. Additionally, and despite that same order's

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1 direction to Plaintiffs' counsel to participate in filing a new joint status report during that
2 same time period, he has failed to do so.

3 In correspondence with Plaintiffs' counsel following the Court's May 23, 2013,
4 order, Plaintiffs' counsel again agreed to prepare a stipulation to dismiss MERS, but said
5 that it was "under a very large stack of other items." That was the last correspondence
6 received from Plaintiffs' counsel. This is not unusual for Plaintiffs' counsel who had a
7 similar case dismissed recently by Judge Coughenour in Case No. C13-0664-JCC, wherein
8 the Court cited to multiple other matters in the Western District of Washington handled
9 similarly by Plaintiffs' counsel.

10 Under the circumstances Defendants respectfully request that the Court dismiss this
11 matter with prejudice and award Defendants a reasonable sum in attorneys fees for having
12 to respond to this frivolous action.

13
14 **DATED** this 26th day of June, 2013.

15
16 /s/ Adam G. Hughes
17 Adam G. Hughes, WSBA #34438
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23 *Attorneys for Defendants JPMorgan Chase Bank,*
24 *National Association and Mortgage Electronic*
25 *Registration Systems, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on June 26, 2013, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notifications of such filing to the following CM/ECF participants:

Robert J. Penfield
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Attorneys for Plaintiffs

☐ By First Class Mail
☐ By ABC Legal Messenger
☐ By Email
☐ By Facsimile
☒ By CM/ECF Electronic Delivery

DATED this 26th day of June, 2013, at Seattle, Washington.

/s/Kay Spading
Kay Spading, Legal Assistant
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